

Exhibit 6

Deposition of Lindsay Weindruch

Lindsay Weindruch

<p style="text-align: right;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION CHARLOTTE LOQUASTO, ET AL)) VS.) C.A. NO.: 3:19-CV-01455-B) FLUOR CORPORATION, ET AL) JURY TRIAL DEMANDED</p> <p style="text-align: center;">----- ORAL AND VIDEOTAPED DEPOSITION OF LINDSAY WEINDRUCH OCTOBER 20, 2020 (REPORTED REMOTELY) -----</p> <p style="text-align: center;">ORAL AND VIDEOTAPED DEPOSITION OF LINDSAY WEINDRUCH, produced as a witness at the instance of Mr. Peter K. Taaffe, and duly sworn, was taken in the above-styled and numbered cause on October 20, 2020, from 9:00 a.m. to 9:44 a.m., before Gina D. Ellis, CSR in and for the State of Texas, reported by machine shorthand, at 1 Rock Island Arsenal, Rock Island, Illinois, pursuant to the Federal Rules of Civil Procedure and the FIRST EMERGENCY ORDER regarding the COVID-19 State of Disaster.</p>	<p style="text-align: right;">3</p> <p>1 MAJOR TARIK J. DOWNIE 8110 Little Ridge Lane 2 Fairfax Station, Virginia 22039 (850) 766-3360 3 Tarik.j.downie.mil@mail.mil - AND - 4 MR. SCOTT A. JOHNSON 1 Rock Island Arsenal 5 Rock Island, Illinois 61299 (309) 502-1825 6 scott.a.johnson84.civ@mail.mil ATTORNEYS FOR THE UNITED STATES ARMY 7 8 9 ALSO PRESENT: Mr. Tod Eric Nickles Alliance Project Services 10 11 ZOOM HOST: Jesus Garcia 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">2</p> <p>1 APPEARANCES 2 3 MR. PETER K. TAAFFE The Buzbee Law Firm 4 600 Travis Street, Suite 7300 Houston, Texas 77002 (713) 223-5393 5 ptaaffe@txattorneys.com ATTORNEY FOR PLAINTIFFS 6 7 MR. DANIEL L. RUSSELL, JR. MR. RAYMOND B. BIAGINI 8 Covington & Burling 850 10th Street NW 9 Washington, DC 20001 (202) 662-5420 10 (202) 662-5120 drussell@cov.com 11 rbiagini@cov.com - AND - 12 MR. DARRELL L. BARGER Hartline Barger 13 1980 Post Oak Blvd., Suite 1800 Houston, Texas 77056 14 (361) 563-8090 dbarger@hartlinebarger.com 15 - AND - 16 MR. J. REID SIMPSON Hartline Barger 1105 Wooded Acres Dr., Suite 402 17 Waco, Texas 76710 rsimpson@hartlinebarger.com 18 ATTORNEYS FOR DEFENDANTS FLUOR CORPORATION, INC., 19 FLUOR ENTERPRISES, INC., FLUOR GOVERNMENT GROUP, INC., 20 FLUOR INTERCONTINENTAL, INC. 21 22 MS. KATHY S. KIMMEL Fox Rothschild 222 S. Ninth St., Suite 2000 23 Minneapolis, Minnesota 55402-3338 (612) 607-7306 24 kkimmel@foxrothschild.com ATTORNEY FOR DEFENDANT 25 ALLIANCE PROJECT SERVICES, INC.</p>	<p style="text-align: right;">4</p> <p>1 INDEX 2 3 PAGE 4 Appearances.....2-3 5 Stipulations..... 5 6 LINDSAY WEINDRUCH 7 EXAMINATION BY MR. TAAFFE..... 9 8 EXAMINATION BY MR. RUSSELL..... 29 9 10 11 Reporter's Certification..... 33 12 13 EXHIBITS 14 15 NO. DESCRIPTION PAGE 16 17 Exhibit 1 Deposition notice..... 32 18 Exhibit 2 Touhy letter..... 32 19 Exhibit 3 Declaration of Ms. Lindsay Weindruch.... 32 20 21 22 23 24 25</p>

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<p style="text-align: right;">5</p> <p>1 S-T-I-P-U-L-A-T-I-O-N-S</p> <p>2</p> <p>3</p> <p>4 IT IS STIPULATED and agreed by and</p> <p>5 between counsel for the respective parties hereto that</p> <p>6 the deposition of the witness named in the caption</p> <p>7 hereto may be taken at this time and place before the</p> <p>8 officer named in the caption hereto; signature having</p> <p>9 been waived; and that said deposition, or any part</p> <p>10 thereof, when so taken may be used on the trial of this</p> <p>11 case with the same force and effect as if the witness</p> <p>12 were present in court and testifying in person.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">7</p> <p>1 LINDSAY WEINDRUCH,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3</p> <p>4 MR. TAAFFE: Major Downie, would you like</p> <p>5 to make the statement?</p> <p>6 MAJOR DOWNIE: Yes. Good morning. I'm</p> <p>7 Major Tarik Downie, an attorney with the United States</p> <p>8 Army Litigation Division present here today representing</p> <p>9 the United States Army. As required by 32 CFR Section</p> <p>10 516.48, my representation of Ms. Lindsay Weindruch is</p> <p>11 limited to matters related to the release of official</p> <p>12 Army information and to her, in her role as -- she</p> <p>13 currently serves as a contracting officer for the U.S.</p> <p>14 Army, Army Contracting Command, Rock Island. In</p> <p>15 accordance with 32 CFR Section 516.48 and Army</p> <p>16 Regulation 27-40, Chapter 7, she's only authorized to</p> <p>17 disclose her personal opinions and factual observations</p> <p>18 related to Fluor's integration within the military and</p> <p>19 contractual apparatus at Bagram Airfield as Fluor</p> <p>20 performed under the LOGCAP IV Contract, Task Order 5,</p> <p>21 where Fluor provided personnel to support the Army's</p> <p>22 Force Protection Screening Cell at Bagram, her factual</p> <p>23 information relating to Entry Control Points overseen by</p> <p>24 the military and other factual matters addressed in her</p> <p>25 declaration.</p>
<p style="text-align: right;">6</p> <p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2</p> <p>3 THE REPORTER: Today's date is October 20,</p> <p>4 2020. This is the oral and videotaped deposition of</p> <p>5 Lindsay Weindruch. It is being conducted remotely in</p> <p>6 accordance with the First Emergency Order regarding the</p> <p>7 COVID-19 State of Disaster, Paragraphs 2.b. and c. The</p> <p>8 witness is located at 1 Rock Island Arsenal, Rock Island</p> <p>9 Illinois. My name is Gina Ellis, Court Reporter, CSR</p> <p>10 No. 2822. I am administering the oath and reporting the</p> <p>11 deposition remotely by stenographic means from my home</p> <p>12 residence in Houston, Texas. My business address is</p> <p>13 11706 Playa Court in Houston, Texas.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 She is authorized to provide this information</p> <p>2 in the matter of Loquasto v. Fluor Corporation. She is</p> <p>3 specifically prohibited from disclosing certain</p> <p>4 information without additional justification and</p> <p>5 approval as required by 32 CFR Section 516.49. She may</p> <p>6 not provide classified or privileged information or</p> <p>7 provide information that is otherwise protected from</p> <p>8 public disclosure, such as Privacy Act protected</p> <p>9 information, without appropriate additional</p> <p>10 authorization. She may not purport to testify on behalf</p> <p>11 of the Department of the Army or Department of Defense,</p> <p>12 or announce what it is or was the Army's official policy</p> <p>13 position on any issue within the Army's jurisdiction.</p> <p>14 She may not provide opinion testimony or expert</p> <p>15 testimony regarding official Army or DOD information</p> <p>16 without additional justification and approval as</p> <p>17 required by 32 CFR Section 516.49. Therefore, during</p> <p>18 this deposition, she is not authorized to provide</p> <p>19 answers to hypothetical questions. As such, to the</p> <p>20 extent any testimony regarding real or hypothetical</p> <p>21 scenarios are elicited regarding official Army or DOD</p> <p>22 information, that is not the view or position of the</p> <p>23 Department of the Army or the Department of Defense and</p> <p>24 should not be accorded any additional weight as would</p> <p>25 accompany an expert's testimony. In accordance with 32</p>

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<p style="text-align: right;">9</p> <p>1 CFR Section 516.48, I'm required to instruct her not to</p> <p>2 answer questions that fall within the prohibited</p> <p>3 categories.</p> <p>4 It is the Department of the Army's policy that</p> <p>5 official information should generally be made reasonably</p> <p>6 available for use in private litigation, unless the</p> <p>7 information is classified, privileged, or otherwise</p> <p>8 protected from public disclosure. The Army's policy is</p> <p>9 one of strict impartiality in private litigation in</p> <p>10 which the Army is not a named party or does not have a</p> <p>11 significant interest as that term is defined in 32 CFR</p> <p>12 Section 516, Appendix F. Therefore, my role during this</p> <p>13 deposition is solely to protect the Army's interest and,</p> <p>14 as such, my intervention will be limited to that end.</p> <p>15 The parties are responsible for advancing their</p> <p>16 respective positions and objections as it relates to</p> <p>17 matters outside the Army's interest. Thank you.</p> <p>18</p> <p>19 EXAMINATION BY MR. TAAFFE:</p> <p>20 Q. Could you state your name, please?</p> <p>21 A. Lindsay Weindruch.</p> <p>22 Q. And who is your employer?</p> <p>23 A. Army Contracting Command, Rock Island.</p> <p>24 Q. Is that a division of the United States Army?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">11</p> <p>1 A. Okay. Let me see if I can print that quickly</p> <p>2 to our printer.</p> <p>3 Q. Sure.</p> <p>4 A. Okay. I'm gonna go check and see if it</p> <p>5 printed.</p> <p>6 Q. Okay.</p> <p>7 A. Sorry. I'm back and I have it.</p> <p>8 Q. Great. Okay. So, just a few preliminary</p> <p>9 things. One, I'm obviously here to ask you some</p> <p>10 questions about your declaration. In the course of</p> <p>11 doing that, it is not my intent to try to elicit any</p> <p>12 testimony from you that would be privileged,</p> <p>13 attorney-client privileged communications; and that</p> <p>14 would be anything between you and any Army lawyer or</p> <p>15 government lawyer. Secondly, I take very seriously the</p> <p>16 admonitions that Major Downie gave at the beginning of</p> <p>17 the deposition and also set out in his Touhy letter to</p> <p>18 me. And so, it is my intent to stay within, well within</p> <p>19 the boundaries that have been set for me on this</p> <p>20 deposition. So, therefore, even if I may ask a question</p> <p>21 that you may want to go beyond the scope of the</p> <p>22 declaration, I'm gonna ask you to please be sure to stay</p> <p>23 within the scope of the declaration and the boundaries</p> <p>24 that Major Downie set at the beginning of this</p> <p>25 deposition. Okay? Good with you?</p>
<p style="text-align: right;">10</p> <p>1 Q. Have you ever worked for any of the Fluor,</p> <p>2 F-L-U-O-R, companies?</p> <p>3 A. No.</p> <p>4 Q. How long have you held your current position?</p> <p>5 A. My current like contracting position?</p> <p>6 Q. Yes.</p> <p>7 A. Since 2012.</p> <p>8 Q. Have you always been primarily stationed at</p> <p>9 Rock Island, Illinois?</p> <p>10 A. Yes.</p> <p>11 Q. Prior to 2012 what did you do?</p> <p>12 A. I was a contract specialist for the Army</p> <p>13 Contracting Command. So, I've been in contracting since</p> <p>14 2006.</p> <p>15 Q. Okay. Okay.</p> <p>16 A. I became a contracting officer in 2012.</p> <p>17 Q. Understood. Okay. So, a couple of just</p> <p>18 preliminary things. Exhibits to the deposition will be,</p> <p>19 No. 1 will be the deposition notice. No. 2 will be the</p> <p>20 Touhy letter. And No. 3 will be your declaration. Do</p> <p>21 you have a copy of your declaration in front of you?</p> <p>22 A. I do. I can pull it up.</p> <p>23 Q. Okay. I'll be going through that with you, but</p> <p>24 that will be the only -- I won't be going through any</p> <p>25 other exhibits besides that one.</p>	<p style="text-align: right;">12</p> <p>1 A. (Affirmative nod.)</p> <p>2 Q. Okay. And you just -- have you ever been</p> <p>3 deposed --</p> <p>4 A. Yes.</p> <p>5 Q. -- before?</p> <p>6 A. No.</p> <p>7 Q. Okay. So, the key thing, and this is a little</p> <p>8 different since we're doing Zoom these days, is you just</p> <p>9 have to -- even though we can see you and the court</p> <p>10 reporter can probably see you, it's important to</p> <p>11 verbalize all of your answers rather than nodding your</p> <p>12 head or shaking your head.</p> <p>13 A. Okay.</p> <p>14 Q. All right. So, did you draft the declaration?</p> <p>15 Did you actually type it yourself?</p> <p>16 A. No.</p> <p>17 Q. Who typed it?</p> <p>18 THE WITNESS: Major Downie, was that you,</p> <p>19 or Lou?</p> <p>20 Q. (BY MR. TAAFFE) Yeah, well, he's not -- I</p> <p>21 don't want Major Downie giving any testimony. So, if --</p> <p>22 you believe that someone from the Army legal department</p> <p>23 drafted it for you?</p> <p>24 MR. RUSSELL: Objection, form.</p> <p>25 A. Yeah. I mean, I believe so. It was sent to me</p>

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<p style="text-align: right;">13</p> <p>1 and asked if I was in agreement with it; and then if I</p> <p>2 was, to sign it.</p> <p>3 Q. (BY MR. TAAFFE) Okay. Did you interact with</p> <p>4 any Fluor employees or lawyers in the course of drafting</p> <p>5 this and signing this declaration?</p> <p>6 A. No.</p> <p>7 Q. Okay. Okay. So, No. 2 in the declaration</p> <p>8 says, "I have personal knowledge of the facts stated in</p> <p>9 this declaration, and if called as a witness, could</p> <p>10 competently testify to them." So, are you -- do you</p> <p>11 have any legal training?</p> <p>12 A. No.</p> <p>13 Q. Okay. So, there's a -- I guess let me start</p> <p>14 off. When you swore that you had personal knowledge of</p> <p>15 facts, what did you mean by the term "personal</p> <p>16 knowledge"?</p> <p>17 A. I was the contracting officer at the time. So,</p> <p>18 I was involved in, you know, all of the events that</p> <p>19 occurred, you know, with meetings, letters,</p> <p>20 investigations, all of that.</p> <p>21 Q. Okay. So when you say "all the events that</p> <p>22 occurred," what events are you referring to?</p> <p>23 A. Well, the suicide bombing event at Bagram, I</p> <p>24 was the one that was notified by Fluor and the</p> <p>25 government that it had taken place.</p>	<p style="text-align: right;">15</p> <p>1 there?</p> <p>2 A. It probably was 2012 time frame.</p> <p>3 Q. What was your purpose for being there in 2012?</p> <p>4 A. We did award fee. Evaluation board conducted</p> <p>5 them at Bagram.</p> <p>6 Q. Okay. And what is that, award fee?</p> <p>7 A. Yeah. At the time Fluor had a cost plus award</p> <p>8 fee contract. So we would have to go and evaluate</p> <p>9 performance and determine the value of fee that they got</p> <p>10 based on their performance that they would receive.</p> <p>11 Q. And so, since 2012 you have not stepped foot</p> <p>12 into -- onto Bagram Airbase or Airfield?</p> <p>13 A. No. No.</p> <p>14 Q. So, when you were doing that audit in 2012,</p> <p>15 exactly what were you doing?</p> <p>16 A. Well, it was -- you, basically, you would go</p> <p>17 in; and there was a board that would determine the</p> <p>18 percentage of, you know, fee pool that Fluor would be</p> <p>19 awarded. So, the government participated and Fluor.</p> <p>20 So, I would brief during the award fee board and</p> <p>21 basically act as the contracting officer, you know, if</p> <p>22 there was questions on how the process went. And so,</p> <p>23 that was basically the purpose, is we would hold the</p> <p>24 award fee board and listen to Fluor's briefing. And</p> <p>25 then the government would brief on performance. And</p>
<p style="text-align: right;">14</p> <p>1 Q. Okay. You were not at Bagram when the bombing</p> <p>2 took place?</p> <p>3 A. No. I was in Rock Island.</p> <p>4 Q. Were you part of the negotiations between Fluor</p> <p>5 and the government that led up to the execution of the</p> <p>6 LOGCAP IV contract?</p> <p>7 A. Well, the LOGCAP IV contract was awarded</p> <p>8 competitively; but, I mean, I have been part of</p> <p>9 negotiations before for different periods of</p> <p>10 performances.</p> <p>11 Q. Okay. Were you involved in --</p> <p>12 A. So, I would need --</p> <p>13 Q. Go ahead. Sorry.</p> <p>14 A. Go ahead. I would just say I would need more</p> <p>15 clarification on what period you're talking about.</p> <p>16 Q. Okay. Let's talk about Task Order 5. Were you</p> <p>17 a part of any negotiations that led up to the execution</p> <p>18 of Task Order 5?</p> <p>19 A. Execution of periods of performance, yes. Not</p> <p>20 the award of Task Order 5. So like option periods,</p> <p>21 extension periods, I was part of negotiations with that.</p> <p>22 Q. Okay. And have you ever been to Bagram Air</p> <p>23 Force base?</p> <p>24 A. Yes.</p> <p>25 Q. When was, when was the last time you were</p>	<p style="text-align: right;">16</p> <p>1 then after the briefing, the government -- the award fee</p> <p>2 board members would sit together and determine the</p> <p>3 amount of award fee Fluor received based on their</p> <p>4 performance for that period.</p> <p>5 Q. Okay. Prior to your deposition did you meet</p> <p>6 with anyone other than members of the Army legal team?</p> <p>7 A. No.</p> <p>8 Q. Okay. No. 3 you say, "Fluor's performance of</p> <p>9 essential sustainment support services for the U.S. Army</p> <p>10 in Afghanistan fell within the scope of LOGCAP IV</p> <p>11 Contract," right?</p> <p>12 A. Yes.</p> <p>13 Q. All right. What are essential sustainment</p> <p>14 support services?</p> <p>15 A. Well, there's a whole host of services Fluor</p> <p>16 performs at Bagram. They do -- you know, they operate</p> <p>17 the dining facilities. They do the laundry. They do</p> <p>18 repairs and maintenance on facilities. You know, they</p> <p>19 order supplies, maintain supplies. They do some of the,</p> <p>20 like, minor construction activities if there's minor</p> <p>21 facilities that need to be constructed. They do</p> <p>22 airfield operation. You know, there's a whole host of</p> <p>23 base life support services that are offered under the</p> <p>24 LOGCAP Contract.</p> <p>25 Q. Is that all set out in the LOGCAP Contract</p>

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<p style="text-align: right;">17</p> <p>1 itself?</p> <p>2 A. Yes. There is a performance work statement</p> <p>3 attached to the LOGCAP Contract that lists out all of</p> <p>4 the available services. And then there will be what is</p> <p>5 called a service matrix that's attached to the contract</p> <p>6 which will X the services that Fluor is performing at</p> <p>7 any given time, you know, on the contract. Obviously,</p> <p>8 you know, the services can change if things -- if</p> <p>9 services are added or de-scoped over time.</p> <p>10 Q. And is that, would that all be in writing?</p> <p>11 A. Yeah, it should all be in the contract mod, in</p> <p>12 the contract itself. There's modifications done that</p> <p>13 incorporate those service matrix every period it's</p> <p>14 awarded.</p> <p>15 Q. Okay. Next statement is, the first clause</p> <p>16 says, "Fluor augmented and was integrated within the</p> <p>17 military at Bagram Airfield." So, subsequent to 2012</p> <p>18 when you were actually there, how do you have personal</p> <p>19 knowledge that Fluor augmented and was integrated within</p> <p>20 the military at Bagram Airfield?</p> <p>21 A. Because that's the scope of the LOGCAP</p> <p>22 Contract. Essentially, LOGCAP is an augmentation</p> <p>23 contract that supports the military. And we have</p> <p>24 regular communications, you know, with people located at</p> <p>25 Bagram. Like our ACOs are military. Some of the</p>	<p style="text-align: right;">19</p> <p>1 submitted for the quality checks.</p> <p>2 Q. Okay. Next statement is -- the next clause of</p> <p>3 that sentence says, "and Fluor worked alongside the</p> <p>4 military in performing services under the LOGCAP</p> <p>5 Contract." So, same question. Since 2012 do you have</p> <p>6 any personal knowledge of Fluor working alongside the</p> <p>7 military in performing services under the LOGCAP IV</p> <p>8 Contract at Bagram Airfield?</p> <p>9 A. Are you asking if I've seen it visually again?</p> <p>10 Q. Yes.</p> <p>11 A. No.</p> <p>12 Q. Okay. So any information you have to support</p> <p>13 that statement is based on information that people have</p> <p>14 either told you verbally or via sending you reports; is</p> <p>15 that right?</p> <p>16 A. Yes.</p> <p>17 Q. And this person that committed the act in</p> <p>18 November of 2016, the bombing, do you know where he was</p> <p>19 working?</p> <p>20 A. He was working in one of the maintenance areas</p> <p>21 where they did maintenance, I believe, on vehicles where</p> <p>22 I believe his position was to dispose of oil and, like,</p> <p>23 hazardous waste --</p> <p>24 Q. Okay. And you --</p> <p>25 A. -- at Bagram.</p>
<p style="text-align: right;">18</p> <p>1 requiring activity obviously is military. So, I mean,</p> <p>2 Fluor works alongside them, the military, for different,</p> <p>3 you know, jobs that they do.</p> <p>4 Q. Okay. But how do you have personal knowledge</p> <p>5 of that? Did you observe it with your eyes, observe</p> <p>6 that --</p> <p>7 A. When I've, when I've went to Bagram, yes, we've</p> <p>8 seen some of it. And then, um, you know, like I said,</p> <p>9 we have daily communications, you know, with the</p> <p>10 military on the ground, you know, ACOs, et cetera, that,</p> <p>11 you know, work with Fluor.</p> <p>12 Q. Got it. But since 2012 you don't have any --</p> <p>13 you haven't eyeballed, actually observed, Fluor working</p> <p>14 alongside the military at Bagram Airfield, correct?</p> <p>15 A. No.</p> <p>16 Q. Any information you have about what Fluor has</p> <p>17 done at Bagram Airfield since 2012 is simply based on</p> <p>18 what other people have told you, correct?</p> <p>19 A. I mean, it would be based on quality,</p> <p>20 surveillance checks, and, you know, audits of the</p> <p>21 contract and different things, yes.</p> <p>22 Q. Okay. And those would all be done via someone</p> <p>23 telling you about it or you reading reports?</p> <p>24 A. Both. It would be a combination of both.</p> <p>25 There would be discussion and there would be reports</p>	<p style="text-align: right;">20</p> <p>1 Q. And that's information that you had received</p> <p>2 from other people, correct?</p> <p>3 A. Yes.</p> <p>4 Q. You don't have any personal knowledge? You</p> <p>5 didn't observe him? You didn't see him doing any kind</p> <p>6 of work, right?</p> <p>7 A. No.</p> <p>8 Q. All right. Next one is No. 4. You say, "I</p> <p>9 have firsthand knowledge of Fluor's integration within</p> <p>10 the military and contractual apparatus at Bagram</p> <p>11 Airfield as Fluor performed under the LOGCAP IV</p> <p>12 Contract." So, when you say you have firsthand</p> <p>13 knowledge, are you talking about what you learned in</p> <p>14 your visit in 2012?</p> <p>15 A. Well, that. And then, obviously, I oversee the</p> <p>16 contract on a daily basis. Again, you know, we would</p> <p>17 coordinate with individuals at Bagram and discuss, you</p> <p>18 know, the contract and, you know, like again, reports.</p> <p>19 All of that are reviewed.</p> <p>20 Q. Okay. So what do you -- how do you define</p> <p>21 "firsthand knowledge"?</p> <p>22 A. Well, to me, it doesn't necessarily need to be</p> <p>23 visual. I mean, I have knowledge. I, you know, had</p> <p>24 discussions. I know that that's part of the contract is</p> <p>25 where Fluor augments the military and works alongside of</p>

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<p style="text-align: right;">21</p> <p>1 them. I mean, Bagram is a military base with a large 2 amount of soldiers. So, to me, that would be firsthand 3 knowledge is, you know, I do have knowledge of the 4 contract and what is within scope of the contract; and 5 then I've talked to many individuals located in 6 Afghanistan on the performance. And, you know, I mean, 7 we have ACOs, Administrative Contracting Officers, all 8 over, you know, Afghanistan that oversees performance, 9 along with quality, personnel, and property, et cetera. 10 Q. Okay. So you talked about having firsthand 11 knowledge of the contract. Are you talking about the 12 LOGCAP IV contract? 13 A. Yes. 14 Q. Is there any part of the LOGCAP IV contract 15 that's not in writing? Are there any verbal agreements 16 that maybe you would know about or someone else would 17 know about? Or if I wanted to know exactly, I need to 18 know all four corners of this LOGCAP IV Contract, is 19 that all something that's in writing? 20 A. For it to be a valid agreement and change, yes, 21 it needs to be in writing. And the only individuals 22 that can change the contract are a warranted 23 Administrative Contracting Officer or the PC -- the 24 contracting officer, which would have been myself at the 25 time.</p>	<p style="text-align: right;">23</p> <p>1 LOGCAP Support Officers and even DCMA acted as, like, 2 Administrative Contracting Officers at one time. 3 That's, essentially, that's their function. And, like I 4 said, we would talk to them some -- like on a daily 5 basis. And, you know, they would go out and coordinate 6 with Fluor personnel at Bagram. You know, they would be 7 doing their quality checks. They would do, you know, 8 contractual matters, issue Letters of Technical 9 Direction or undefinitized change orders, which, I mean, 10 at the, you know, at the time, those are daily 11 occurrences on the contract. 12 Q. Okay. Well, you know about your interactions 13 with Fluor, obviously, because you had them, right? 14 A. Yeah, but I'm copied on all those e-mails from 15 the Administrative Contracting Officers issuing 16 direction, like letters of, Letters of Technical 17 Direction and UCOs, et cetera, to Fluor. 18 Q. Okay. Okay. No. 6, it says, "Under the LOGCAP 19 IV Contract Data Requirements List, or CDRLs, Fluor 20 submitted to the Army a variety of deliverables on a 21 daily or weekly basis, including personnel status 22 reports, cost reports, forecasts of expenditures, et 23 cetera, regarding activities at Bagram." So, how do you 24 have personal knowledge of that statement? 25 A. Because that is the con -- like, that is terms</p>
<p style="text-align: right;">22</p> <p>1 Q. Okay. And that would -- if that was done, it 2 would have to be done in writing and signed off by all 3 the parties, correct? 4 A. Well, they're not always signed off by -- like, 5 we issue Letters of Technical Direction; but there are 6 statements in there that if, you know, Fluor would not 7 be in agreement with it, then they're to notify within a 8 specific, you know, period of time. And then the con -- 9 like, when we issue like change orders to the contract, 10 then, yes, Fluor would bilaterally sign those 11 modifications that incorporated them. 12 Q. Okay. The next one is No. 5 and it's long. 13 And I'm gonna read it slowly so that Gina, hopefully, 14 can get it. It says, "On a daily basis, Fluor personnel 15 interacted with military and civilian Administrative 16 Contracting Officers, or ACOs, Procuring Contracting 17 Officers, or PCOs, LOGCAP Support Officers, or LSOs, and 18 various other military representatives, including 19 personnel within the Defense Contracting Management 20 Agency, or DCMA, and Army Contracting Command, ACC." 21 So, how do you have personal knowledge to support that 22 statement? 23 A. Well, I would be the PCO. So, you know, I 24 would talk to Fluor almost probably on a daily basis. 25 And then the Administrative Contracting Officers and the</p>	<p style="text-align: right;">24</p> <p>1 and conditions of the contract where they're required to 2 submit these reports. Depending on the report, there is 3 certain frequency. And, again, they're submitted to 4 myself with a host of other, you know, government 5 personnel. 6 Q. Okay. What are personnel -- 7 A. So, if they -- what? 8 Q. Go ahead. 9 A. I was just gonna say if they didn't submit it, 10 then, you know, that would be -- you know, they wouldn't 11 be following the terms of the contract. 12 Q. Okay. So that's something, that requirement to 13 submit those deliverables, those are -- that's set out 14 in the actual LOGCAP Contract; is that right? 15 A. Yes. It's part of the contract award. There's 16 a list of required reports, or CDRLs, that -- and it 17 lists out the frequency and who they need to go to, be 18 submitted to. 19 Q. Just for the court reporter, when you said 20 CDRLs, you're talking about the C-D-R-Ls? 21 A. Yeah, the Contract Data Requirement List. 22 Q. Okay. So, what are personnel status reports? 23 A. So, those are -- Fluor will submit on a daily 24 basis -- every base in Afghanistan, they will list out 25 with every personnel, like every individual located on</p>


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<p style="text-align: right;">25</p> <p>1 that base and then, you know, what their status is, if 2 they're on leave, if they're working, et cetera. So 3 they have to list out -- like, on a daily basis they 4 submit a report tracking all of their personnel in 5 Afghanistan. 6 Q. Okay. By the way, do you oversee any other 7 contracts besides the Fluor LOGCAP IV Contract? 8 A. Well, I'm no longer on the Fluor contract; so 9 yes. And at the time I also oversaw the DynCorp 10 Afghanistan contract in the south -- Afghanistan South. 11 Q. Okay. When did you stop having involvement 12 with the Fluor contract? 13 A. Probably 2018, beginning of 2018. 14 Q. Okay. Okay. The next one, and this is gonna 15 be long, I'll read it slowly, "Pursuant to Task Order 16 0005, PWS Section 5.22.03, Fluor provided personnel to 17 support the Army's Force Protection Screening Cell at 18 Bagram, and this included providing badges to those 19 approved by the Army and providing personnel at Entry 20 Control Points overseen by the military." All right. 21 So, for that first sentence, is that just -- are you 22 just summarizing what's contained in Task Order 5, PWS 23 Section 5.22.03? 24 A. Um, yes. I mean, essentially, that's a summary 25 of that PWS paragraph.</p>	<p style="text-align: right;">27</p> <p>1 5? 2 A. I would have to verify if that was contained, 3 actually that statement. It actually says the Army 4 would provide the badges. 5 Q. Okay. So, where did you get the information to 6 support that statement? 7 A. Because it's an inherently governmental 8 function that has to be performed by the Army. And it's 9 not a requirement of Fluor. And based on the Bagram, 10 like, you know, policies, et cetera, and talking to the 11 ACOs on the ground, that is the -- like, how it's 12 worked. 13 Q. Okay. 14 A. You know, how it operates at Bagram. 15 Q. So that's not something you have personal 16 knowledge and that you actually observed it, saw it. 17 That's information that you learned from other people, 18 correct? 19 A. Correct. 20 Q. Next sentence in that section is, "If the Army 21 gave approval, Fluor issued the badges to the particular 22 individual." Is that something that you -- the support 23 for that, did that come from reading the contract? 24 A. Like I said, again, it would be the process 25 that was approved at Bagram and how it was occurring at</p>
<p style="text-align: right;">26</p> <p>1 Q. So that is -- the basis of your personal 2 knowledge to make that statement is you looked at 3 Section 5.22.03 and summarized it? 4 A. Well, I mean, also Fluor was turned on to 5 perform that service. So, they would have to be 6 performing the service; otherwise, you know, they 7 wouldn't be meeting the terms of the contract. And like 8 I said before, when they would do quality checks, et 9 cetera, you know, they would be considered noncompliant 10 with the contract if they weren't performing it. 11 Q. Got it. But as far as your personal knowledge 12 for that statement, that all comes from information 13 that's in the Task Order 5, correct? 14 A. Yeah. It's what's contained in their contract 15 and what they're turned on for. 16 Q. Okay. And when you say "turned on," what do 17 you mean by that? 18 A. Like that service is actually activated and 19 they're required to perform that service at Bagram. So, 20 it would be contained in that service matrix I talked 21 about earlier. 22 Q. Okay. Next one, next sentence is, "The Army 23 vetted and was responsible for deciding whether to 24 approve the issuance of badges." Is that something 25 that's contained in the four corners of the Task Order</p>	<p style="text-align: right;">28</p> <p>1 the Bagram. 2 Q. Okay. But, anything after 2012, you wouldn't 3 have any personal knowledge of that, correct? 4 A. Well, again, I mean, I would -- I talked to the 5 ACOs and the individuals on the ground and Fluor is 6 turned on for a service. So, if Fluor was not 7 performing that service, you know, it would be elevated 8 to us that they were not complying with the terms of the 9 contract. So, have I visually seen it? No. But 10 there's, you know, discussions, audits, quality checks, 11 et cetera, that we have visibility of, or myself has 12 visibility of. 13 Q. Okay. But any information you have to support 14 this statement, "If the Army gave approval, Fluor issued 15 the badges to the particular individual," any 16 information you have to support that either came from 17 reading the contract or from hearing -- or not hearing 18 from your colleagues in the Army that were on the ground 19 at Bagram? 20 A. Yes. 21 Q. Okay. And then the last sentence is, "Fluor's 22 performance of these functions was within the scope of 23 the LOGCAP IV Contract." Is the basis for that purely 24 the -- your reading of the four corners of the LOGCAP IV 25 Contract?</p>

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<p style="text-align: right;">29</p> <p>1 A. Yes.</p> <p>2 Q. Okay. I believe those are all the questions I</p> <p>3 have. I appreciate your time.</p> <p>4 MR. TAAFFE: I'll pass the witness.</p> <p>5 MR. RUSSELL: Thanks, Peter. This is, this</p> <p>6 is Dan Russell. If you don't mind, I would like to take</p> <p>7 just a short break here, maybe 3 to 5 minutes; and we'll</p> <p>8 jump back on the record. So if we can go off the</p> <p>9 record, please.</p> <p>10 MR. TAAFFE: Yeah, of course.</p> <p>11 THE VIDEOGRAPHER: Going off the record at</p> <p>12 9:36 a.m.</p> <p>13 (Short Break.)</p> <p>14 THE VIDEOGRAPHER: Going on the record at</p> <p>15 9:41 a.m.</p> <p>16</p> <p>17 EXAMINATION BY MR. RUSSELL:</p> <p>18 Q. Good morning, Ms. Weindruch. My name is Dan</p> <p>19 Russell. I'm counsel for Fluor. Thank you for your</p> <p>20 time today. I've got a very few number of questions</p> <p>21 here for you and I think we'll be done. I noted that at</p> <p>22 the outset Major Downie gave his admonitions. I want to</p> <p>23 reiterate what Mr. Taaffe said, that we understand those</p> <p>24 admonitions and we're not, we're not -- we don't want</p> <p>25 you to go outside the scope that he has approved you to</p>	<p style="text-align: right;">31</p> <p>1 Airfield?</p> <p>2 MAJOR DOWNIE: All right. Don't --</p> <p>3 A. Yes.</p> <p>4 Q. (BY MR. RUSSELL) Hold on.</p> <p>5 MR. RUSSELL: Go ahead, Major Downie.</p> <p>6 MAJOR DOWNIE: The scope of the deposition</p> <p>7 is, the Touhy approval, is exactly what's in the</p> <p>8 declaration. So, the 15-6 is not mentioned in any, in</p> <p>9 any part of the approval or in her declaration. So, I</p> <p>10 mean, I would instruct her to not answer anything about</p> <p>11 15-6.</p> <p>12 MR. RUSSELL: Understood, Major Downie.</p> <p>13 And can I assume -- am I correct that you would instruct</p> <p>14 the witness not to answer all questions regarding any</p> <p>15 knowledge of the classified information in the 15-6?</p> <p>16 MAJOR DOWNIE: That is correct.</p> <p>17 MR. RUSSELL: Okay. I have no further</p> <p>18 questions. Thank you.</p> <p>19 THE REPORTER: Is that it? This is the</p> <p>20 reporter. Are there any further stipulations under Rule</p> <p>21 30(b)(5)(C) that need to be put into the record?</p> <p>22 MR. TAAFFE: No for Plaintiff.</p> <p>23 MR. RUSSELL: None here. Thank you.</p> <p>24 THE REPORTER: All right. Therefore, we're</p> <p>25 concluded.</p>
<p style="text-align: right;">30</p> <p>1 testify about. And, in particular, I know in his</p> <p>2 approval letter and in his statement today he made a</p> <p>3 statement that the Army has prohibited you from</p> <p>4 providing any testimony that would reveal classified</p> <p>5 information or intelligence sources and methods. So, I</p> <p>6 want to make a hundred percent clear I'm not asking you</p> <p>7 to do that here. I am -- I do have a question, though.</p> <p>8 And this is my question.</p> <p>9 MR. RUSSELL: And, Major Downie, you'll</p> <p>10 tell me if the witness cannot answer; but I believe this</p> <p>11 is within bounds; and you'll tell me if I'm wrong.</p> <p>12 Q. (BY MR. RUSSELL) Ms. Weindruch, are you aware,</p> <p>13 are you aware of any classified information related to</p> <p>14 the November 2016 suicide bombing attack on Bagram</p> <p>15 Airfield?</p> <p>16 MR. RUSSELL: And I'll pause there, Major</p> <p>17 Downie. If you have an issue and don't want the witness</p> <p>18 to answer that, I welcome your input; but I thought that</p> <p>19 was inbounds.</p> <p>20 MAJOR DOWNIE: I think it's fine.</p> <p>21 A. Yes, I do.</p> <p>22 Q. (BY MR. RUSSELL) And maybe more specifically,</p> <p>23 and again, not asking you to disclose classified</p> <p>24 information, have you reviewed the Classified Army 15-6</p> <p>25 Report regarding the suicide bomber attack on Bagram</p>	<p style="text-align: right;">32</p> <p>1 THE VIDEOGRAPHER: Going off the record at</p> <p>2 9:44 a.m.</p> <p>3</p> <p>4 (Exhibits 1, 2, and 3 were printed</p> <p>5 and marked for identification.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">33</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF TEXAS 3 DALLAS DIVISION 4 CHARLOTTE LOQUASTO, ET AL) 5) 6 VS.) C.A. NO.: 3:19-CV-01455-B 7) 8 FLUOR CORPORATION, INC.,) JURY TRIAL DEMANDED 9 ET AL) 10 11 REPORTER'S CERTIFICATION 12 ORAL AND VIDEOTAPED DEPOSITION OF 13 LINDSAY WEINDRUCH 14 OCTOBER 20, 2020 15 (REPORTED REMOTELY) 16 17 I, Gina D. Ellis, Certified Shorthand Reporter in 18 and for the State of Texas, hereby certify to the 19 following: 20 That the witness, LINDSAY WEINDRUCH, was duly sworn 21 by the officer and that the transcript of the oral 22 deposition is a true record of the testimony given by 23 the witness; 24 That the deposition transcript was submitted on 25 _____ to the witness or to the attorney for the witness for examination, signature and return to me by _____; That the amount of time used by each party at the deposition is as follows: MR. PETER K. TAAFFE.....00 HOUR(S):31 MINUTES MR. DANIEL RUSSELL.....00 HOUR(S):01 MINUTE MR. RAYMOND B. BIAGINI.....00 HOUR(S):00 MINUTE(S)</p>	<p style="text-align: right;">35</p> <p>1 attorneys in the action in which this proceeding was 2 taken, and further that I am not financially or 3 otherwise interested in the outcome of the action. 4 Certified to by me this 23rd day of October, 2020. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;"></p> <hr/> <p>Gina D. Ellis, Texas CSR 2822 Expiration Date: 04/30/22 Firm Registration No. 169 Ross Reporting Services 11706 Playa Court Houston, Texas 77034 Job No. 140488</p>
<p style="text-align: right;">34</p> <p>1 MR. DARRELL L. BARGER.....00 HOUR(S):00 MINUTE(S) 2 MR. J. REID SIMPSON.....00 HOUR(S):00 MINUTE(S) 3 MS. KATHY S. KIMMEL.....00 HOUR(S):00 MINUTE(S) 4 MAJOR TARIK DOWNIE.....00 HOUR(S):00 MINUTE(S) 5 MR. SCOTT A. JOHNSON.....00 HOUR(S):00 MINUTE(S) 6 7 That pursuant to information given to the 8 deposition officer at the time said testimony was taken, 9 the following includes counsel for all parties of 10 record: 11 MR. PETER K. TAAFFE 12 ATTORNEY FOR PLAINTIFFS 13 14 MR. DANIEL L. RUSSELL, JR. 15 MR. RAYMOND B. BIAGINI 16 MR. DARRELL L. BARGER 17 MR. J. REID SIMPSON 18 ATTORNEYS FOR DEFENDANTS 19 FLUOR CORPORATION, INC., 20 FLUOR ENTERPRISES, INC., 21 FLUOR GOVERNMENT GROUP, INC., 22 FLUOR INTERCONTINENTAL, INC. 23 24 MS. KATHY S. KIMMEL 25 ATTORNEY FOR DEFENDANT ALLIANCE PROJECT SERVICES, INC. MAJOR TARIK J. DOWNIE MR. SCOTT A. JOHNSON ATTORNEYS FOR THE UNITED STATES ARMY That \$ _____ is the deposition officer's charges to MR. PETER K. TAAFFE for preparing the original deposition transcript and any copies of exhibits; I further certify that I am neither counsel for, related to, nor employed by any of the parties or</p>	